

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KAYE FINANCIAL CORPORATION,

Plaintiff,

v.

Case No. 17-12427

HON. TERRENCE G. BERG

TICOR TITLE AGENCY OF ARIZONA
INC., and FIDELITY NATIONAL TITLE
COMPANY, LLC,

Defendants.

ORDER FOR FACILITATION

Pursuant to Federal Rule of Civil Procedure 16(c)(2)(P), the Court refers this matter for a settlement conference in accordance with the following provisions:

1. The early settlement conference shall be conducted by the following neutral facilitator:

Richard Hurford, Esq.
Dispute Resolution Services P.C.
4967 Crooks Road, Suite 100
Troy, Michigan 48098-5812
248-825-3770
richard@hurfordresolution.com

2. The purpose of the conference is to attempt to resolve the litigation in a prompt, efficient, and fair manner.

3. The conference shall take place at a date, time, and location to be selected by the facilitator, but not later than sixty (60) days from today's date. If the

litigation cannot be resolved at the conference, the facilitator may convene additional sessions, by phone or in person.

4. The facilitator shall be compensated at a rate of \$345 per hour. The parties shall pay the facilitator's fees equally (50% for Plaintiff/50% for Defendants).

5. Within seven (7) days of today's date, counsel shall contact the facilitator to discuss a mutually convenient date, time, and location for the conference, and such other issues as the participants may wish to address.

6. In addition to counsel, individuals with full and final settlement authority must be physically present at the conference. Participation by telephone is not permitted, unless allowed by the facilitator.

7. Seven (7) days prior to the scheduled conference, or at such other time as the facilitator may direct, counsel for each party shall submit written statements, not to exceed ten pages in length, to each other and to the facilitator, setting forth: (i) that party's position on the disputed and undisputed issues involved in this case and that party's view on how those issues should be resolved; (ii) a summary of the substance of any settlement discussions that have taken place to date; (iii) proposed action for resolving this case; and (iv) any perceived obstacles to full and final resolution of this case. These statements shall not be filed on the Court's docket or otherwise disclosed to the Court.

8. Until further order of the Court, the parties shall not serve discovery, responses to discovery, or disclosures, and shall not file any motions, responses to motions already filed, or responsive pleadings. All motions currently pending on the Court's docket are hereby **DENIED WITHOUT PREJUDICE**. Should this case fail to settle through the facilitation process, any motion denied without prejudice by this order may be re-filed. Any upcoming court hearings or conferences are adjourned until further notice.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: October 5, 2017

Certificate of Service

I hereby certify that this Order was electronically submitted on October 5, 2017, using the CM/ECF system, which will send notification to each party.

By: s/A. Chubb
Case Manager